

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD

LORA LEIGH MCCOY,

Plaintiff,

v.

Civil Action No. 1:21-00276

FRONTIER COMMUNICATIONS,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhoshn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhoshn submitted to the court his Proposed Findings and Recommendation ("PF&R") on February 7, 2022, in which he recommended that the district court grant defendant's motion for summary judgment, dismiss plaintiff's complaint, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhoshn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court.

On February 17, 2022, plaintiff filed objections to the PF&R.

In her pro se complaint, plaintiff alleges that she was discriminated against based upon her gender/sexual orientation. To the extent that plaintiff alleged defendant Frontier, her employer, subjected her to a hostile work environment, the PF&R concluded that plaintiff's allegations were not sufficiently "severe or pervasive" to establish a hostile work environment under the prevailing case law. The PF&R also concluded that the hostile work environment, even had one existed, could not be imputed to Frontier because there was no evidence that plaintiff was harassed or discriminated against by a supervisor or manager nor had plaintiff shown she reported the harassment and/or discrimination of her coworker(s). Finally, the PF&R found that plaintiff failed to demonstrate that she was constructively discharged.

In her objections, plaintiff does not really grapple with the analysis in the PF&R which explains why her claims fail. She cannot create a disputed issue of material fact and defeat summary judgment by making vague and generalized allegations. There is nothing in plaintiff's objections that undermines the PF&R's recitation of the undisputed material facts nor the law that governs those facts. Accordingly, plaintiff's objections are **OVERRULED**.

Based on the foregoing, the court accepts Magistrate Judge Aboulhosn's findings and recommendation. Accordingly,

defendant's motion for summary judgment is **GRANTED**; plaintiff's complaint is **DISMISSED**; and the Clerk is directed to remove this case from the court's active docket.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and to the plaintiff, pro se.

IT IS SO ORDERED this 13th day of July, 2022.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge